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Technical assistance and capacity-building

Bahrain,* Chad,* Egypt,* France, Italy, Jordan,* Lebanon,* Libya,* Liechtenstein,* Lithuania,* Maldives, Mauritania,* Morocco, Niger,* Norway,* Oman,* Rwanda,* Saudi Arabia, Senegal,* Spain,* State of Palestine,* Sweden,* Switzerland,* Tunisia,* Turkey,* United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Yemen:* draft resolution

25/... Technical assistance for Libya in the field of human rights

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the other relevant international human rights treaties,

Confirming that it is the primary responsibility of States to promote and protect all human rights and fundamental freedoms,

Recognizing the challenges facing Libya in laying the foundations for transitional justice and national reconciliation,

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of Libya,

Recognizing the efforts made by Libya to build the basis for democracy, the rule of law and human rights,

Recalling General Assembly resolutions 60/251 of 15 March 2006 and 66/11 of 18 November 2011, on the restoration of the rights of membership of Libya in the Human Rights Council,

Recalling also the communiqué of the International Ministerial Conference on Support to Libya in the Areas of Security, Justice and the Rule of Law, issued in Paris on 12 February 2013,

Recalling further Human Rights Council resolutions S-15/1 of 25 February 2011, 17/7 of 17 June 2011, 18/9 of 29 September 2011 and 19/39 of 23 March 2012,

* Non-member State of the Human Rights Council.

Recalling Human Rights Council resolution 22/19 of 21 March 2013 on assistance for Libya in the field of human rights,

1. *Takes note with appreciation* of the report of the United Nations High Commissioner for Human Rights on the human rights-related challenges and needs in Libya and the support provided by the United Nations Support Mission in Libya, including technical assistance and other activities to build expertise and improve cooperation with Libya in relation to the promotion and protection of human rights;[1]

2. *Recognizes* the security, political and economic challenges faced by Libya;

3. *Welcomes*:

(*a*) The election of the members of the Libyan Constitutional Assembly, which has been tasked with drafting an inclusive Constitution that guarantees the human rights of all Libyans without discrimination, which will then be subject to approval by the people of Libya;

(*b*) The promulgation of Law No. 29 on 2 December 2013 on transitional justice, which begins to address national reconciliation and inclusive national dialogue by establishing a fact-finding and reconciliation commission to address human rights violations committed under the former regime as well as during the transitional period, and by providing a 90-day deadline to complete the screening process of all detainees held without charge;

(*c*) The issuance of Decree No. 119 of 2014 by the Council of Ministers concerning recognition of victims of sexual violence as victims of war, which allows for reparation, healing and legal support;

(*d*) The adoption of laws recognizing, protecting and supporting the cultural and linguistic heritage of the Amazigh, Tebu and Tuareg; criminalizing torture, enforced disappearances and discrimination; abolishing the jurisdiction of military courts over civilians; providing pensions and benefits to families of those killed or missing during the revolution; and establishing a committee to investigate the killings in the Abu Salim prison in 1996, and urges the General National Congress to implement these laws;

(*e*) The amendment to the law in May 2013 to enhance the independence of the judiciary by allowing the election by peers of 11 out of 13 members of the Supreme Judicial Council;

4. *Also welcomes*:

(*a*) The wish expressed by the Government of Libya to continue its cooperation with the United Nations High Commissioner for Human Rights and to renew the invitation for her to visit Libya;

(*b*) The commitment of Libya to the rule of law and the establishment of legislative, executive and judicial branches of government in accordance with its international obligations, including the establishment of a committee on human rights within the General National Congress;

(*c*) The plans within the judicial police to develop a comprehensive prison reform strategy and to establish professional correction services, and the continued efforts of the Ministry of Justice to improve the situation of human rights in State-controlled detention centres;

[1] A/HRC/25/42.

(*d*) The commitment of the National Council for Civil Liberties and Human Rights to continue to work in conformity with the Paris Principles to monitor and protect human rights in Libya;

(*e*) Efforts to strengthen the role of and support for civil society and non-governmental organizations in enhancing, affirming and raising awareness of human rights;

(*f*) The ratification of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto;

(*g*) Progress towards the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(*h*) Improvements in the treatment of detainees in detention centres under State control, and the opening of the newly built al-Jawwiyah Institution for Correction and Rehabilitation in Misrata;

(*i*) The intention to draft a national plan of action on enhancing the protection of human rights in partnership with the Office of the High Commissioner with a view to building a State governed by the rule of law, and encourages its implementation;

5. *Calls upon* the Government of Libya to establish a broad-based and inclusive national dialogue in order to ensure a peaceful and sustainable democratic transition;

6. *Condemns* the assassination of government officials and civil society leaders, including judges and other members of the judiciary in Derna and Benghazi, and urges the Government of Libya to continue its investigations in order to bring the perpetrators of these crimes to justice and to ensure a strengthened justice system, recognizing the need to provide substantial technical support for the investigations;

7. *Expresses concern* at the continued mistreatment of detainees in detention centres out of judicial police control;

8. *Calls upon* the Government of Libya to urgently increase efforts to establish full and effective control of all detention centres in order to ensure that detainees, including foreign detainees, are treated in accordance with its international obligations, including those relating to due process of law and basic legal protections, humane conditions of detention and fair trials, and that all detainees who will not be charged are released immediately;

9. *Urges* the Government of Libya to intensify efforts to prevent acts of torture, to investigate all allegations of torture and other ill-treatment in detention facilities, and to bring to justice those responsible;

10. *Also urges* the Government of Libya to continue to cooperate fully with the International Criminal Court and the prosecutor;

11. *Further urges* the Government of Libya to expedite the voluntary return in safety and dignity of all persons displaced, in accordance with the law on transitional justice, and to strengthen efforts to end the continued arbitrary detention, torture and harassment of individuals;

12. *Urges* the Government of Libya to take further steps to protect freedom of expression, ensuring that media can operate freely and without discrimination, to review provisions of the Penal Code and other provisions that violate freedom of expression and to abolish all Penal Code restrictions on free speech that stipulate imprisonment and the death penalty for "insults" to officials, judiciary and the State, for "slander" and for blasphemy;

13. *Calls upon* the Government of Libya to further empower women and girls, ensuring full participation in relation to the electoral system, the police and the judiciary;

14. *Encourages* the Libyan Constitutional Assembly to include in the Constitution protections for the rights of all, including members of vulnerable groups and women;

15. *Also encourages* the Libyan Constitutional Assembly to ensure participation of all members of society, as far as possible, in the process of drafting the Constitution;

16. *Calls upon* the Government of Libya to continue to protect freedom of religion and belief according to its international obligations, and to take appropriate measures to prevent attacks against persons belonging to religious or ethnic minorities, and to prosecute the perpetrators of such attacks;

17. *Urges* the Government of Libya to take further steps to guarantee freedom of association and assembly by reviewing Penal Code articles that undermine freedom of association and adopting a law for civil society organizations that is in accordance with international freedom of association standards, ensures the protection of human rights defenders and that any legal limitations are necessary and proportionate, and complies with Libya's international treaty obligations;

18. *Calls upon* the Government of Libya to review the Political Isolation Law and the amendment to Article No. 195 of the Penal Code of 5 February 2014, to ensure that they remain compliant with international human rights obligations and international humanitarian law;

19. *Calls upon* the international community to support the efforts of the Government of Libya to ensure protection of the human rights of migrants, refugees and internally displaced persons;

20. *Encourages* the Government of Libya to provide a framework for the engagement of the Office of the United Nations High Commissioner for Refugees in Libya;

21. *Welcomes and supports* the efforts made by the Government of Libya to stabilize the security situation, and urges it:

(*a*) To maintain this process through means that include arms control, availability of arms and the reintegration into society of the armed groups currently operating outside government control;

(*b*) To respond to significant psychosocial needs as a direct consequence of the conflict and, to process conflict-related detainees through the civil justice system;

22. *Takes note* of the final report of the International Commission of Inquiry on Libya,[2] and encourages the Government of Libya to fully implement the recommendations contained therein;

23. *Welcomes* the technical support provided by the United Nations High Commissioner for Human Rights, the relevant international organizations and the international community to promote the process of building a State governed by the rule of law;

24. *Recognizes* the efforts made by States in tracing, freezing and recovering stolen assets and the importance of effective cooperation between the international community and the Libyan authorities in this regard, taking into account the potential of the

[2] A/HRC/19/68.

recovery of these assets in helping the Libyan authorities to improve security, development and the realization of all human rights of the Libyan people;

25. *Welcomes* the announcement at the Rome Conference, held on 6 March 2014, of an international partnership for Libya to monitor progress in various domains, including security, governance, the rule of law, national dialogue and transitional justice;

26. *Requests* the Office of the High Commissioner to further provide technical assistance to support the Government of Libya in building and strengthening national structures that have a direct impact on the overall observance of human rights and the maintenance of the rule of law in Libya;

27. *Calls upon* the international community to continue to provide the necessary assistance to Libyan efforts towards establishing the rule of law, in coordination with the Libyan authorities, the Office of the High Commissioner and the United Nations Support Mission in Libya;

28. *Calls upon* the Government of Libya to continue to extend full cooperation to the Office of the High Commissioner and the United Nations Support Mission in Libya on all issues pertaining to the promotion and protection of human rights, including through providing full access to detainees, the courts, the judiciary and other institutions;

29. *Requests* the Office of the High Commissioner to prepare a written report for submission to the Human Rights Council at its twenty-eighth session, reflecting the human rights situation in Libya, and the technical support and capacity-building needs in Libya to strengthen the promotion and protection of and respect for human rights and fundamental freedoms, and to overcome the current challenges to security, respect for the rule of law and transitional justice.